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REMARKS

Reconsideration is requested in view of the above amendments and the following remarks. Claims 1 and 8 have been revised. Support for the revisions can be found at, e.g., page 8, lines 11-12, page 9, lines 9-21, page 10, lines 14-16, 20-23, page 12, lines 22-24 of the specification, and Figs. 2 and 4, among other places. Claim 3 has been revised to depend from claim 1. Claims 2 and 9-12 have been canceled without prejudice. Claims 1 and 3-8 remain pending in the application.

Claim Rejections – 35 USC § 102

Claims 1-4 are rejected under 35 USC § 102(b) as being anticipated by Ikeda et al. (US 5,985,116). Applicants respectfully traverse this rejection. Claim 2 has been canceled without prejudice. Applicants are not conceding the correctness of the rejection as to claim 2.

Claim 1 requires a stepped portion projecting from a substrate for preventing a sample liquid in a capillary from moving further, where the stepped portion is greater in height with respect to the substrate than a reagent portion. The present stepped portion helps prevent the sample liquid from moving further so that the sample liquid can be analyzed properly (see, e.g., page 4, lines 3-14 and 19-21 of the specification, among other places).

Ikeda et al. fail to disclose the stepped portion as required by claim 1. Instead, Ikeda et al. discuss an electrically insulating layer 6 and lead conductors 4, 5, where the electrically insulating layer 6 prevents solutions for forming a reaction layer from being spread to the lead conductors 4 and 5 (Ikeda et al., col. 3, lines 34-36 and Figs. 1 and 2). Unlike the solutions, which are limited to the specific area of electrodes 2 and 3 in Ikeda et al. (see Ikeda et al., col. 3, lines 32-33), the sample in Ikeda et al. is drawn by the capillary action toward the air hole 10 and reaches the electrode system to react with the reagents of the reaction layer thereon (see Ikeda et al., col. 3, lines 51-58). Ikeda et al. are completely silent as to a stepped portion that is greater in height with respect to the substrate than a reagent portion, much less that the stepped portion projects from the

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substrate for preventing a sample liquid in a capillary from moving further as required by claim 1.

For at least these reasons, claim 1 is patentable over Ikeda et al. Claims 3-4 depend ultimately from claim 1 and are patentable along with claim 1 and need not be separately distinguished at this time. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

Claim Rejections – 35 USC § 103

Claims 5-7 are rejected under 35 USC 103(a) as being unpatentable over Ikeda et al. in view of Carter et al. (US 5,628,116). Applicants respectfully traverse this rejection. Claims 5-7 depend ultimately from claim 1 and are patentable over Ikeda et al. for at least the same reasons discussed above regarding claims 1 and 3-4. Carter et al. do not remedy the deficiencies of Ikeda et al. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claim.

Claim 8 is rejected under 35 USC 103(a) as being unpatentable over Ikeda et al. Applicants respectfully traverse this rejection. Claim 8 depends ultimately from claim 1 and is patentable over Ikeda et al. for at least the same reasons discussed above regarding claims 1 and 3-4. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claim.

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In view of the above, favorable reconsideration in the form of a notice of allowance is respectfully requested. Any questions regarding this communication can be directed to the undersigned attorney, Douglas P. Mueller, Reg. No. 30,300, at (612) 455-3804.

Respectfully submitted,

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Dated: December 10, 2008

By:

A handwritten signature in black ink, appearing to be "D. P. Mueller", written over a horizontal line.

Douglas P. Mueller
Reg. No. 30,300

DPM/cy